

Montana Power Company (see American Petroleum Institute):

- Supports employment of alternative dispute resolution methods for solving arguments that may arise over involuntary relocation and/or comparability of service. Any dispute resolution method should include review by decision makers with competence to pass on such issues, and the burden of proof concerning "actual comparability" should fall on the new technology service provider. (pp. 18-19) (see Definition of Comparable Alternative Facilities).

Niagara Mohawk Power Corporation (see American Petroleum Institute):

- Supports mediation, followed by arbitration for solving disputes over involuntary relocation and/or comparability of service. (pp. 17-19).

Pacific Telesis:

- Alternative dispute resolution by the FCC should be used as a last resort if the parties cannot reach agreement. (p. 2).

Questar Service Corporation (see American Petroleum Institute):

- Supports employment of alternative dispute resolution methods for solving arguments that may arise over involuntary relocation and/or comparability of service. Any dispute resolution method should include review by decision makers with competence to pass on such issues, and the burden of proof concerning "actual comparability" should fall on the new technology service provider. (pp. 18-19) (see Definition of Comparable Alternative Facilities).

ROLM:

- If the parties cannot reach agreement on the transition plan and associated costs, it should be evaluated by an independent expert. Both parties need to agree that the expert's recommendation is binding and review by the FCC should be pursued as a last resort. (p. 5).

Southern Natural Gas:

- Suggests that the FCC incorporate the procedures set forth in the Administrative Dispute Resolution Act ("ADRA"). Alternatively, the FCC could provide a special docket under which specific disputes could be raised before the FCC or an administrative law judge either by oral argument or written proposal. Also believes that the FCC should require any conciliator, facilitator or mediator chosen by the parties to possess the technological and engineering background necessary to deal with the issues and that such appointee have the acceptable neutral qualities defined in the ADRA. Finally, any arbitration procedures established outside the ADRA should comply with the Federal Arbitration Act. (pp. 5-6).

Telocator:

- Recommends neutral mediation with FCC intervention as last resort; loser pays costs. Asserts that these procedures minimize impositions on agency resources and provide strong incentives for prompt settlement. (pp. 12-13).

Time Warner Telecommunications:

- Advocates streamlined mediation procedures to resolve impasses in private negotiations; in intractable cases, FCC involvement may be needed to clear way for prompt resolution. (pp. 20-21).

Utilities Telecommunications Council:

- Recommends mediation as first step in resolving disputes where mandatory relocation is involved; procedures are flexible and informal and permit parties to craft an agreement tailored to their unique circumstances. (pp. 11-15).

ACCESS TO GOVERNMENT SPECTRUM**American Personal Communications:**

- Incumbent microwave users displaced from the unlicensed band should have a priority opportunity to relocate to any government spectrum at 1.71 - 1.85 GHz that becomes available. (p.8).

American Petroleum Institute:

- Supports Commission's efforts to make government spectrum available because it provides the long range propagation characteristics necessary to accommodate POFS links, which cannot adequately be replaced by alternative media or higher-range microwave spectrum; notes that under provisions of recent appropriation legislation for NTIA, NTIA must adopt procedures by which unused federal government spectrum may be accessed by private users. (pp. 24-26).

Apple Computer, Inc.:

- States that public safety microwave services should be given priority access to relocation opportunities within the 2 GHz band, including government frequencies in the 1.71-1.85 GHz band; such frequencies should be available without auctions. Access to such government frequencies could be restricted only to public safety licensees who relocate from the 2 GHz band. (pp. 6-7, 6 n.13).

Association of American Railroads:

- Urges Commission to work with NTIA to secure access to federal government spectrum, particularly 1710-1850 MHz band, given that demand for spectrum continues to exceed supply. (p. 10).

Central and South West (see American Petroleum Institute):

- Supports Commission's efforts to make government spectrum available because it provides the long range propagation characteristics necessary to accommodate POFS links, which cannot adequately be replaced by alternative media or higher-range microwave spectrum; notes that under provisions of recent appropriation

legislation for NTIA, NTIA must adopt procedures by which unused federal government spectrum may be accessed by private users. (pp. 21-22).

Commonwealth Edison Company:

- Supports FCC's efforts to make spectrum available to displaced incumbents from the federal government 2 GHz band. Urges FCC and NTIA to develop application procedures to facilitate access to government spectrum. (pp. 19-20).

Idaho Power Company:

- Urges Commission to take quick and efficient steps to support NTIA to make 2 GHz government spectrum available to displaced licensees. (p. 1).

Lower Colorado River Authority (same as Association of American Railroads):

- Urges Commission to work with NTIA to secure access to federal government spectrum, particularly 1710-1850 MHz band, given that demand for spectrum continues to exceed supply. (p. 9).

Metropolitan Water District of Southern California (see American Petroleum Institute):

- Supports Commission's efforts to make government spectrum available because it provides the long range propagation characteristics necessary to accommodate POFS links which cannot adequately be replaced by alternative media or higher-range microwave spectrum; notes that under provisions of recent appropriation legislation for NTIA, NTIA must adopt procedures by which unused federal government spectrum may be accessed by private users. (pp. 21-23).

Montana Power Company (see American Petroleum Institute):

- Pleased that tentative discussions have taken place between the FCC and NTIA to evaluate the feasibility of reaccommodation of displaced users in the federal government 2 GHz band, but is concerned that, while seeking to protect federal government 2 GHz operations, NTIA may inadvertently erect barriers to preclude POFS licensees from access to otherwise unused government spectrum. Urges the FCC to expand its efforts with NTIA

to implement congressionally-mandated application procedures (pp. 21-22).

Niagara Mohawk Power Corporation (see American Petroleum Institute):

- Supports Commission's efforts to make government spectrum available because it provides the long range propagation characteristics necessary to accommodate POFS links, which cannot adequately be replaced by alternative media or higher-range microwave spectrum; notes that under provisions of recent appropriation legislation for NTIA, NTIA must adopt procedures by which unused federal government spectrum may be accessed by private users. (pp. 21-22).

Northwest Iowa Power Cooperative:

- The migration of existing 2 GHz users into the available government spectrum would be a good alternative to higher bands since it is a cost-effective approach, requiring minimum outage. (p. 3).

Questar Service Corporation (see American Petroleum Institute):

- Agrees that spectrum in the 1710-1850 MHz and 2220-2290 MHz federal government bands provides the long range propagation characteristics necessary to accommodate POFS links which cannot adequately be replaced by alternative media or higher-range microwave spectrum. However, Questar is concerned that NTIA may erect barriers that will inadvertently preclude POFS licensees from accessing otherwise unused government spectrum and urges the FCC to promptly implement congressionally - mandated application procedures to facilitate access to this spectrum by displaced POFS licensees. (pp. 21-23).

ROLM:

- Instead of exempting public safety and local government microwave systems from relocation, the FCC should make them priority candidates for re-location to the federal government frequencies at 1710 MHz, since these frequencies should be lightly loaded in the areas of Part 94 concentration. (p. 3).

Telocator:

- States that a preference for access to 1710-1850 MHz government spectrum should be accorded for relocation of microwave licensees that cannot technically be relocated to higher bands and for relocation of exempt 2 GHz facilities; desirability of this spectrum may provide inducement for some 2 GHz licensees not to exercise their rights to refuse relocation, hastening introduction of new services. (pp. 14-15).

United States Telephone Association:

- Supports Commission's efforts to develop with NTIA a process to accommodate in the 2 GHz government band those non-government 2 GHz facilities that technically cannot be relocated to higher bands. (pp. 3-4).

ENTITY(IES) EXEMPTED FROM RELOCATION REQUIREMENT**Ameritech:**

- Although Ameritech previously supported excluding "public safety" licensees from involuntary relocation, the public safety exclusion should be reconsidered in light of the fact that interference-free spectrum sharing may not be possible. (pp. 6-7).

Apple Computer, Inc.:

- States that Commission should apply involuntary relocation processes to public safety microwave licensees because sharing between fixed microwave and unlicensed PCS services is not feasible; however, Commission should give public safety licensees priority access to relocation opportunities within the 2 GHz band, including government frequencies in the 1.71-1.85 GHz band. (pp. 6-7) (see Relocation of 2 GHz Licensees in Unlicensed Bands and Access to Government Spectrum).

Lower Colorado River Authority:

- Recommends including public power systems under state and local government exemption; states that special economic and operational considerations applicable to state and local government licensees apply equally to public power systems; moreover, FCC should clarify that exemption applies to all state and local government licensees. (pp. 10-11).

NYNEX Corporation:

- Local government should be excluded from relocation to the extent such use is for public safety or other essential services -- "non-essential" uses should be subject to relocation. (pp. 3-4).

Plains Electric Generation and Transmission Cooperative:

- State and local government 2 GHz licensees should be exempt from any involuntary relocation requirement. (p. 1).

Public Safety Microwave Committee:

- Supports exemption of state and local government entities from any forced relocation as it is consistent with the statutory requirement that public safety needs be given "top priority" in radio spectrum allocation matters. (pp. 1-4).

ROLM:

- By exempting a community of public safety and local government microwave users, the FCC will handicap the implementation of unlicensed products and services nationwide. Market potential will be reduced because certain geographic regions will not be conducive to unlicensed service or organizations having nationwide facilities will be reluctant to incorporate wireless technologies in a patchwork fashion. Also, this "regulatory fiat" will eliminate the benefits of user provided PCS to public safety and government employees. (pp. 2-3) (see Access to Government Spectrum).

Utilities Telecommunications Council:

- States that UTC has requested reconsideration and/or clarification with respect to the scope of the state/local government exemption. (p. 3).

RELOCATION OF 2 GHZ LICENSEES IN UNLICENSED BANDS**American Personal Communications:**

- Supports the FCC's proposal to impose no transition period on portions of the 2 GHz band in which unlicensed devices will be permitted, because those services will not be able to operate at all until spectrum is cleared. Incumbents displaced from this band should have a priority opportunity to relocate to any government spectrum at 1.71 - 1.85 GHz that becomes available (p. 8). Opposes "repacking" plan that would move incumbent users from portions of the 1.85 - 1.99 GHz band in which unlicensed services will be authorized to other portions of the 1.85 - 1.99 GHz band. (pp. 8-9).

American Petroleum Institute:

- FCC should adopt a minimum transition period during which incumbent licensees operating in the unlicensed band could relocate. (pp. 11-12). Manufacturers intending to market equipment for use in these bands should contribute to an escrow fund which would be used to reimburse users' relocation costs; during transition period, no equipment should be authorized on unlicensed basis to ensure orderly relocation of existing licensees without risk of hazardous interference. For data-PCS, FCC should establish baseline figure for average replacement costs to use for purposes of funding escrow account; if actual replacement costs are higher, manufacturers should be obligated to meet shortfall. (pp. 12-13).

American Public Power Association:

- If unlicensed devices are approved, APPA suggests that its proposed five year voluntary negotiation period should also apply, commencing on date of equipment authorization to operate on particular frequency. (p. 4).

Apple Computer, Inc.:

- States that spectrum sharing between unlicensed PCS and microwave services is not feasible; proposes that some microwave stations be relocated to different channels within the present 1.85-1.99 GHz bands according to a frequency-optimization plan, with public safety users having first priority on 2

GHz frequencies if they could not be accommodated in the 1.71-1.85 GHz government band. (p. 7). Opposes any transition period for unlicensed PCS since undue delay would result; proposes phased implementation of both unlicensed and licensed new technologies, whereby (1) all microwave users are moved from the 1910-1930 MHz band, while reserve of 20 to 45 MHz additional frequencies are earmarked for unlicensed use, but not cleared; those users who wish to move to 6 GHz frequencies immediately receive reimbursement, as do public safety users who move to government frequencies; optimized frequency plan is implemented for those who move elsewhere in the 1.85-1.99 GHz band (with reimbursement); and (2) reserve of additional frequencies is cleared in same manner; given large numbers involved, 2 GHz frequency optimized plan would be applied uniformly throughout the PCS frequencies to both licensed and unlicensed frequency usage; timing of second phase could be tied to transition period that Commission applies to licensed PCS spectrum usage. (p. 10).

Association of American Railroads:

- States that Commission should issue a Further Notice proposing a specific plan for ensuring that incumbent licensees of 1910-1930 MHz band proposed for unlicensed PCS are guaranteed a reliable alternative communications system and full compensation for displacement; opposes spectrum reallocation for unlicensed PCS until mechanism for facilitating relocation is established. (pp. 17-18).

Central and South West (see American Petroleum Institute):

- Supports establishment of separate regulatory approach to ensure that displaced 2 GHz microwave users will be fairly compensated; Commission should establish a two year minimum transition period (absolute minimum of one year) during which any licensee operating in band proposed for unlicensed operations would have opportunity to relocate to other spectrum. Manufacturers intending to market equipment for use in these bands should contribute to escrow relocation fund; during transition period, no equipment should be authorized on unlicensed basis to ensure orderly relocation of existing licensees without risk of hazardous interference. (pp. 8-10). For data-PCS, FCC should establish baseline figure for average replacement

costs to use for purposes of funding escrow account; if actual replacement costs are higher, manufacturers should be obligated to meet shortfall. (p. 10).

Commonwealth Edison Company (see American Petroleum Institute):

- A one year minimum transition period should be adopted for licensees operating in the unlicensed PCS band. During this period, the FCC should not authorize any equipment to operate on an unlicensed basis (p. 9). The FCC should establish a baseline figure for average replacement costs of microwave stations operating in the unlicensed band; the total number of such stations should then be determined and each manufacturer requesting equipment certification should pay an equal pro rata share of the total estimated cost. (pp. 9-10).

Lower Colorado River Authority (same as Association of American Railroads):

- States that Commission should issue a Further Notice proposing a specific plan for ensuring that incumbent licensees of 1910-1930 MHz band proposed for unlicensed PCS are guaranteed reliable alternative communications system and full compensation for displacement; opposes spectrum reallocation for unlicensed PCS until mechanism for facilitating relocation is established. (pp. 18-19).

Metropolitan Water District of Southern California (see American Petroleum Institute):

- Supports establishment of separate regulatory approach to ensure that displaced 2 GHz microwave users will be fairly compensated; Commission should establish a one year minimum transition period during which any licensee operating in band proposed for unlicensed operations would have opportunity to relocate to other spectrum. Manufacturers intending to market equipment for use in these bands should contribute to escrow relocation fund; during one year period, no equipment should be authorized on unlicensed basis to ensure orderly relocation of existing licensees without risk of hazardous interference. (pp. 9-10.). For data-PCS, FCC should establish baseline figure for average replacement costs (e.g., \$100,00 per station) to use for purposes of funding escrow

account; if actual replacement costs are higher, manufacturers should be obligated to meet shortfall. (pp. 10-11).

Montana Power Company (see American Petroleum Institute):

- Believes the FCC should establish a separate regulatory approach for allocating spectrum for unlicensed services. Specifically, the FCC should establish a one year minimum transition period during which any licensee operating in the proposed unlicensed band would have an opportunity to relocate to other spectrum. Manufacturers intending to market equipment in these bands should contribute to an escrow fund to compensate users' relocation costs (pp. 9-10). For data PCS, the FCC should establish a baseline figure for average replacement costs (e.g. \$100,000 per station), and require manufacturers requesting equipment certification to pay an equal pro rata share of the total estimated cost of relocating all microwave stations in the reallocated band. (pp. 10-11).

National Rural Electric Cooperative Association:

- Problem to be resolved is not whether there is a negotiation period, but rather identifying who is responsible for paying relocation costs and correcting interference. FCC should adopt transition rules that apply to all bands, to all services, and to all types of new operations and proponents of unlicensed devices will have to design mechanism to fund relocation and to negotiate with incumbents. (p. 9).

Niagara Mohawk Power Corporation (see American Petroleum Institute):

- Supports establishment of separate regulatory approach to ensure that displaced 2 GHz microwave users will be fairly compensated; Commission should establish a one year minimum transition period during which any licensee operating in band proposed for unlicensed operations would have opportunity to relocate to other spectrum. Manufacturers intending to market equipment for use in these bands should contribute to escrow relocation fund; during one-year period, no equipment should be authorized on unlicensed basis to ensure orderly relocation of existing licensees without risk of hazardous interference. (p. 9). For data-PCS, FCC should establish baseline figure for

average replacement costs (e.g., \$100,00 per station) to use for purposes of funding escrow account; if actual replacement costs are higher, manufacturers should be obligated to meet shortfall. (p. 10).

North American Telecommunications Association:

- The FCC should clarify in this proceed that spectrum-clearing procedures for unlicensed PCS can be invoked by a collective industry entity. (pp. 3-6).

Questar Service Corporation (see American Petroleum Institute):

- Believes the FCC should establish a separate regulatory approach for allocating spectrum for unlicensed services. Specifically, the FCC should establish a one year minimum transition period during which any licensee operating in the proposed unlicensed band would have an opportunity to relocate to other spectrum. Manufacturers intending to market equipment in these bands should contribute to an escrow fund to compensate users' relocation costs (pp. 9-10). For data PCS, the FCC should establish a baseline figure for average replacement costs (e.g. \$100,000 per station), and require manufacturers requesting equipment certification to pay an equal pro rata share of the total estimated cost of relocating all microwave stations in the reallocated band. (pp. 10-11).

ROLM:

- Unlicensed devices cannot operate on a co-primary basis with fixed microwave. (p. 2) (see Entities Exempted From Relocation Requirement and Access to Government Spectrum). Recommends use of a single entity to negotiate microwave reaccommodation. The unlicensed regulations should make participation in the negotiating entity mandatory for equipment authorization and empower the entity to collect funds necessary for the transition process, internal administration expenses, etc. (pp. 6-7).

Southwestern Bell Corporation:

- Opposes elimination of a transition period for unlicensed services. (pp. 8-10).

Telocator:

- Consumer-oriented and highly portable devices intended for use in unlicensed band cannot be broadly introduced into marketplace until total band clearing; therefore, to facilitate early introduction of unlicensed ET devices, relocation of 2 GHz licensees in unlicensed device band should begin immediately; supports expedited schedule such as one year transition period proposed by American Petroleum Institute. (pp. 13-14).

Utilities Telecommunications Council:

- With "sliding" transition plan, five-year negotiation period can be set to begin with adoption of technical rules for type acceptance of unlicensed devices designed to operate in band; during this transition, equipment manufacturers, prospective users, or consortium could negotiate with incumbent licensees for relocation; any non-exempt microwave systems remaining in band after five years would be subject to mandatory relocation procedures. (p. 23). States that there is no need to give relocating microwave licensees in these bands priority access to government spectrum or other 2 GHz spectrum if they cannot be relocated to higher bands. (pp. 23-24).

USE OF TAX CERTIFICATES**American Gas Association:**

- Supports the FCC proposal to provide tax certificates to microwave users that are relocated to higher bands but the FCC will have to get approval from the IRS for such a plan. Also, an existing user that is forced to relocate or relocates out of concern that it may be forced to move in the future should be treated as a trade in kind. (p. 4).

Edison Electric Institute:

- Recommends use of tax certificates as regulatory incentive for parties to reach voluntary settlements on relocation issues. (p. 6).

GTE Service Corporation:

- Tax certificates should be used as a incentive to facilitate an earlier and more economical negotiation process. (p. 8).

National Rural Electric Cooperative Association:

- Recommends issuing tax certificates to offset capital gains increases incurred by 2 GHz licensees who voluntarily enter into agreements with ET licensees to relocate from 2 GHz band; if FCC is forced to modify a license over an incumbent's objections and if it finds that those objections are patently without merit, tax certificates could be withheld. Negotiated rule making process should not be used to develop specific guidelines and legal justifications for using tax certificates unless FCC has the authority to issue tax certificates. (pp. 11-12).

NYNEX Corporation:

- The FCC should again issue tax certificates as a means of encouraging current fixed microwave licenses to migrate from the 2 GHz band. (pp. 8-9).

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Southwestern Bell Corporation:

- The issuance of a tax certificate to incumbent 2 GHz users will ease the burden of relocation and should not be limited to instances where the incumbent relocates to alternative media. (p. 12).

Telocator:

- Supports use of tax certificates to encourage and facilitate relocation of 2 GHz microwave licensees; such use would remove potential financial disincentives to relocation and is lawful and appropriate in the circumstances. (p. 15).

U.S. Small Business Administration:

- Alternatives, such as use of tax certificates or other types of deferred payment schedules, must be examined to reduce the substantial costs faced by small businesses in developing emerging telecommunications technologies. (pp. 7-8).

U.S. West:

- The use of tax certificates would promote the FCC's policy to make the 2 GHz band available to new and emerging technologies as soon as possible because tax certificates would remove uncertainty over incumbent licensees' tax liability and reduce the overall relocation cost of embedded systems (pp. 3-5). Just because tax certificates may not be useful to some -- such as the American Petroleum Institute -- is no reason to deprive others from taking advantage of such certificates. (pp. 5-6). The FCC has the power to issue tax certificates to current 2 GHz microwave licensees. (pp. 6-7).

Utilities Telecommunications Council:

- Supports issuance of tax certificates to any incumbent licensee who voluntarily agrees to relocation as appropriate exercise of FCC's authority and as a regulatory incentive for parties to reach voluntary settlements; if Commission is forced to modify incumbent's license over its objections, and, if it finds that the incumbent's objections were patently without merit, tax certificate could be withheld. (pp. 27-28).

EXTENSIONS OF MICROWAVE FACILITIES**American Petroleum Institute:**

- Opposes FCC's decision to allow new paths added to existing systems on only a secondary basis, rather than co-primary basis. Commission should not hamstring existing 2 GHz microwave users with legitimate communications requirements because of unfounded fears of speculation. (pp. 23-24).

Association of American Railroads:

- States that applications of existing fixed microwave users for all modifications, expansions and new facilities should be granted on a primary basis because railroads and other private microwave users cannot tolerate harmful interference and would be unable to extend their microwave systems to new or expanded service areas on a secondary status basis. (pp. 21-24).

Central and South West (see American Petroleum Institute):

- Objects to policy that allows only "minor" modifications to receive co-primary status in 2 GHz band; will hamper existing 2 GHz microwave users who will require new paths to meet unforeseen circumstances; Commission must not stymie construction by existing 2 GHz microwave users with legitimate communications requirements simply because of its unfounded fears of speculation. (pp. 19-21).

Lower Colorado River Authority:

- States that applications of existing fixed microwave users for all modifications, expansions and new facilities should be granted on a primary basis because railroads and other private microwave users cannot tolerate harmful interference and would be unable to extend their microwave systems to new or expanded service areas on a secondary status basis. (pp. 22-25).

Metropolitan Water District of Southern California (see American Petroleum Institute):

- Objects to policy that allows only "minor" modifications to receive co-primary status in 2 GHz band; will hamper existing 2 GHz microwave users who will require new paths to meet unforeseen circumstances; Commission must not stymie construction by existing 2 GHz microwave users with legitimate communications requirements simply because of its unfounded fears of speculation. (pp. 19-21).

Montana Power Company (see American Petroleum Institute):

- Disturbed by the FCC's policy "retreat," proposing to grant only "minor" modifications co-primary status in the band and allowing any new paths added to existing 2 GHz systems only on a secondary basis. The FCC should not stymie construction by those existing users having legitimate communications requirements because of speculation that such entities will license additional 2 GHz spectrum in order to be compensated later by new providers. (pp. 19-21).

National Rural Electric Cooperative Association:

- FCC needs to better define what constitutes a major extension for purposes of retaining or losing primary status; recommends that any new spur on an existing 2 GHz system should be licensed for co-primary operation. In rural areas a major extension would not be replaced by an emerging technology for 10-15 years (the end of its useful life); therefore, no point in issuing secondary status license for any expansion of an existing 2 GHz system in a rural area. (p. 11).

Niagara Mohawk Power Corporation (see American Petroleum Institute):

- Objects to policy that allows only "minor" modifications to receive co-primary status in 2 GHz band; will hamper existing 2 GHz microwave users who will require new paths to meet unforeseen circumstances; Commission must not stymie construction by existing 2 GHz microwave users with legitimate communications requirements simply because of its unfounded fears of speculation. (pp. 19-21).

Northwest Iowa Power Cooperative:

- Recommends that any new spur on an existing 2 GHz system be licensed for primary status and that major extensions be better defined by the FCC. (pp. 4-5).

Personal Communications Network Services of New York, Inc.:

- Supports Commission's decision to license new microwave facilities in 2 GHz band on secondary basis only; availability of adequate spectrum above 2 GHz shows that there is no rational basis for incumbents to insist that they be able to remain or expand their occupancy of 2 GHz band. (pp. 15-16).

Plains Electric Generation and Transmission Cooperative:

- Reasonable extensions of existing 2 GHz systems should be granted on a co-primary basis (pp. 1-2).

Questar Service Corporation (see American Petroleum Institute):

- The FCC's policy retreat on the issue of what types of modifications can be made to existing 2 GHz systems without loss of primary status will hamper existing 2 GHz microwave licensees who require new paths to meet unforeseen circumstances. As there is no evidence of speculation by single-user licensees in the private microwave bands, the FCC has no basis for denying co-primary status to necessary system expansions or modifications. (pp. 20-21).

OTHER

American Gas Association:

- Urges adoption of a final rule that provides existing users with an opportunity to oppose a relocation by demonstrating that the new user's system would not serve the public interest to the extent of the former system. (pp. 3-4).

Apple Computer, Inc. (Petition for Reconsideration):

- The FCC should hold in abeyance the transition rules it adopted in the Third Notice of Proposed Rule Making because key elements of a transition plan have yet to be resolved and adoption of transition rules at this stage would violate the Administrative Procedure Act. (pp. 1-3).

GE American Communications, Inc.:

- Special needs of satellite users may be protected by deferring availability of involuntary relocation when microwave services seek relocation to the 4 GHz band; special transition rules would allow relocations of 4 GHz users to be spaced out to permit additional growth of C-band earth stations and installation of hardware to the earth station base so that digital and compressed television may be installed. (pp. 4-7).

Liberty Cable Company, Inc.:

- States that if Commission ever proposes to use the 18 GHz band to reaccommodate incumbent 2 GHz licensees, it should first adopt technical rules to protect current use of these frequencies from harmful interference and provide for future expansion of these systems. (pp. 2-3).

Madison Square Garden Network:

- Expresses its agreement with the comments of GE American Communications that the proposed rechannelization of the 4 GHz band should not be adopted. (p. 1).

Northwest Iowa Power Cooperative:

- Cautions against allocating PCS and developing technologies under Part 15. (p. 3).

United States Telephone Association:

- Once channelization plan is implemented, applicant for a new 2 GHz point-to-point microwave system should be required to make a good cause showing as to why its system must utilize the 2 GHz band as opposed to a higher frequency band or alternative media. (p. 3).

U.S. Small Business Administration:

- Disappointed that the FCC did not take its regulatory flexibility analysis further and compare size and resources of current users with those of potential future licensees. Also believes that the FCC overlooked alternatives that may reduce the initial burdens faced by emerging technology licensees in constructing new telecommunications networks. (pp. 4-5).